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ABSTRACT

Désigned for middle school through high school students, this unit contains eight lesson plans that focus on Puerto Rico state law. The state lessons correspond to lessons in the volume, "Antidote: Civic Responsibility. Drug Avoidance Lessons for Middle School & High School Students." Developed to be presented by educators, law student, or attorneys, the state lessons are interactive and sequential, although individual lessons can stand alone. The document includes legal information about driving while intoxicated, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat juvenile abuse. (RJC)

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Antidote: Civic Responsibility

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Puerto Rico Law

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Lesson 1

1. Has Aimee violated any laws? Have her parents?

Aimee has not broken any laws, since there is no law which holds a minor responsible for a potentially dangerous act toward another minor. Depending on the circumstances, however, her parents may be guilty of child abuse or neglect under P.R. Laws Ann. tit. 8, § 404 (1992), which states that "a child shall be considered a victim of 'abuse or negligence' when harmed or in danger or being harmed or injured physically, mentally or emotionally, or when his welfare is impaired by nonaccidental actions or omissions of his parents or other persons or institutions responsible for his care." The statute further deems that there is 'harm or injury' to the child's health or welfare when the parents "incur inadequate supervision or care of the child," including failure to provide adequate medical care. § 404(b).

2. Does Commonwealth law allow 17-year-old Tyrell to drink a glass of wine with his dinner without his parents' consent?

Tyrell should not drink the wine. While there is no law against a minor possessing or consuming alcohol, there are several which prohibit the sale or delivery of alcohol to anyone under the age of 18. P.R. Laws Ann. tit. 13, § 6083 (1989) prohibits the sale of alcoholic beverages to persons under the age of 18; P.R. Laws Ann. tit. 33, § 1021 (1989) prohibits the sale or delivery of alcoholic beverages to anyone under 18 as well as sending a child to buy alcoholic beverages; P.R. Laws Ann. tit. 33, § 4246 (1992) prohibits intoxicating, inducing, advising, inciting or helping to intoxicate a child. If Tyrell drinks the wine, his parents could be liable under one of the above statutes.

3. Is Maria violating any law when she tells her roommates whom to call to buy marijuana?

The sale, distribution and possession of marijuana are crimes under P.R. Laws Ann. tit. 24, §§ 2401 (1989) and 2402 (1992). Although Maria does not have actual physical possession of the drug, her providing critical information to her roommates so they can obtain the marijuana could constitute constructive possession or distribution. In addition, if Maria is actively cooperating with the actual seller, her behavior could constitute conspiracy, defined under P.R. Laws Ann. tit. 33, § 4523 (1992) as two or more persons conspiring to commit an offense. If Maria is participating in a drug conspiracy, she may also be violating U.S. law under 18 U.S.C.A. § 371 (West 1993), which prohibits conspiracy to commit any offense against the United States, and 21 U.S.C.A. § 846 (West 1993), which prohibits any attempt or conspiracy to commit any violation of federal drug control statutes.

4. Have Adam and Alex broken any laws other than those against

drinking and fighting?

Adam and Alex may be charged with several crimes. Depending on the circumstances of the fight, it is likely that they have committed assault and battery, defined as "[t]he use of any unlawful violence upon the person of another with intent to injure him, whatever be the means or degree of violence used." P.R. Laws Ann. tit. 33, § 821 (1992). The penalty for simple assault or assault and battery is a fine of up to \$50. P.R. Laws Ann. tit. 33, § 825 (1992). If the twins were acting in self-defense against unlawful violence, their violence may not be considered assault. P.R. Laws Ann. tit. 33, § 822 (1992). If they did commit assault and battery and inflicted serious bodily injury upon Joe, aside from his accidental death, however, the attack may be considered aggravated assault and battery or aggravated battery. P.R. Laws Ann. tit. 33, §§ 826, 4032 (1992). The punishment for aggravated assault is a fine between \$50 and \$1,000 or a prison term of one month to two years, or both; aggravated battery carries a prison term of up to six months or a fine of up to \$500, or both, and may be increased to a maximum prison term of five years. P.R. Laws Ann. tit. 33, §§ 828, 4032 (1992).

More seriously, the twins may be charged with involuntary manslaughter for their role in Joe's death. Involuntary manslaughter is defined under P.R. Laws Ann. tit. 33, § 4005 (1992) as when "[a]ny person who acting with negligence or who, in the commission of an unlawful act not amounting to a felony, causes the death of another...." The penalty is fixed at a prison term of one year and eight months, which may be increased to a maximum of three years if there are aggravating circumstances. The court may also impose a fine of up to \$3,000.

The twins may not use their intoxication as a defense to any charges brought against them. P.R. Laws Ann. tit. 33, § 3155 (1992) states: "Voluntary drunkenness or voluntary intoxication caused by drugs, narcotic substances, stimulants or depressant drugs or similar substances does not excuse criminal responsibility."

5. **Has Jose broken the law even though he is not drinking? Has Carlos or TJ broken any law?**

Jose has not broken any law, nor has TJ, since there is no law against a minor possessing or consuming alcohol. Carlos, however, may have broken several laws. The sale or delivery of alcoholic beverages to anyone under the age of 18 is a misdemeanor punishable by a fine of up to \$25 or a jail term of up to 25 days. P.R. Laws Ann. tit. 33, § 1021 (1989). In addition, for providing alcoholic beverages to TJ, a minor, Carlos may be liable for the perversion of a minor under P.R. Laws Ann. tit. 33, § 4246(a), which states: "Imprisonment not exceeding six (6) months or a fine not exceeding five hundred (500) dollars or both, in the discretion of the court, shall

be imposed upon...[e]very person who intoxicates, induces, advises, incites or helps to intoxicate with intoxicating beverages a child under 18 years of age...."

If TJ, a minor, bought the beer himself, the sale was illegal and the dealer who sold it to him broke the law. P.R. Laws Ann. tit. 33, § 1021; tit. 13, § 6083; tit. 13, § 6107 (1989). The sale would constitute two separate misdemeanor offenses, punishable under P.R. Laws Ann. tit. 33, § 1021 by a fine of up to \$25 or a jail term of up to 25 days and under tit. 13, § 6107 by a fine of \$100 to \$500 or a jail term of 30 days to six months.

6. Is Dr. Melrose committing any violation by prescribing painkillers without conducting an examination or determining need?

Dr. Melrose is violating not only Commonwealth but U.S. law. Under U.S. law 21 U.S.C.A. § 829 (West 1993), a physician must have a legitimate medical purpose for dispensing drugs, and the act of dispensing or prescribing drugs should be within the usual course of professional practice. U.S. v. Varma, 691 F.2d 460 (1982); U.S. v. Jamieson, 605 F.Supp. 119 (1985). If Dr. Melrose is prescribing drugs for other than medical reasons, his prescription would be invalid and his actions would be considered distributing controlled substances, violating P.R. Laws Ann. tit. 24, § 2401 (1992), which prohibits distributing or dispensing controlled substances without a valid prescription. In addition, P.R. Laws Ann. tit. 24, § 2308(d) (1992) states: "No controlled substance listed in Schedule V which is a drug may be distributed or dispensed other than for a medical purpose." Some painkillers fall under Schedule V (see P.R. Laws Ann. tit. 24, § 2202 (1992) for drug schedules). If convicted, Dr. Melrose could lose his license. P.R. Laws Ann. tit. 20, § 52 (1991).

Dr. Melrose's patients, if they do not provide to him a bona fide reason for needing the painkillers, may also be breaking the law. Federal law 21 U.S.C.A. § 843 (West 1993) prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

7. Is Danielle violating any law by taking only one or two pills from someone else's prescription?

Danielle is violating several Puerto Rican and federal laws. First, by stealing property belonging to another person, she is committing unlawful appropriation under P.R. Laws Ann. tit. 33, § 4271 (1992), an offense punishable by a prison term of up to six months, a fine of up to \$500, restitution, or any combination thereof. If the pills she takes are valued at over \$200, she is guilty of aggravated unlawful appropriation, a felony punishable by a fixed prison term of 10 years. P.R. Laws Ann. tit. 33, § 4272 (1992).

More seriously, Danielle is violating several drug control statutes. Under P.R. Laws Ann. tit. 24, § 2401(a) (1992), it is unlawful for any person "knowingly or intentionally to manufacture, distribute, dispense, transport or conceal or possess with the intent to manufacture, distribute, dispense, transport or conceal a controlled substance." Since Danielle is in effect dispensing a controlled substance to herself, she is violating this statute. She is also violating P.R. Laws Ann. tit. 24, § 2404(a) (1992), which prohibits the knowing or intentional possession of a controlled substance without a valid prescription. Such possession constitutes a felony and carries a fixed prison term of three years. If aggravating circumstances are present, the term may be increased to a maximum of five years. The court may also impose a fine of up to \$5,000.

In addition, Danielle is breaking U.S. law under 21 U.S.C.A. § 843 (West 1993), which prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge, and 21 U.S.C.A. § 844 (West 1993), which prohibits simple possession of a controlled substance unless such substance was obtained by prescription. The seriousness of her crime under these drug control codes will depend on the type of drug which she is taking from the customer's prescription and how she uses it.

8. Is Renee breaking state law even though she is not selling the drugs herself?

Even though she is not selling the drugs directly, Renee is violating several Commonwealth and federal laws. Since she must have possession of the drugs she gives her daughter, she is guilty of possession under P.R. Laws Ann. tit. 24, § 2404(a) (1992), which prohibits the knowing or intentional possession of a controlled substance without a valid prescription. Such possession constitutes a felony and carries a fixed prison term of three years. If aggravating circumstances are present, the term may be increased to a maximum of five years. The court may also impose a fine of up to \$5,000. In addition, it is unlawful for any person "knowingly or intentionally to manufacture, distribute, dispense, transport or conceal or possess with the intent to manufacture, distribute, dispense, transport or conceal a controlled substance." P.R. Laws Ann. tit. 24, § 2401(a) (1992). By selling the drugs to schoolchildren, Renee is violating P.R. Laws Ann. tit. 24, § 2411a, which states: "Any person who knowingly or intentionally...introduces, distributes, dispenses, administers, possesses or conveys for distribution purposes, sells, gives away or delivers in any form or simply possesses any...controlled substances...in a public or private school or its surroundings shall be guilty of a felony...." The penalty for a first offense of this type is twice the penalty for a first offense involving the same substance and the same classification; if it is not a first

offense, the penalty is tripled.

Her use of her daughter in drug trafficking places the child in physical danger and is likely to constitute child abuse or neglect under P.R. Laws Ann. tit. 8, § 404 (1992), which states that "a child shall be considered a victim of 'abuse or negligence' when harmed or in danger or being harmed or injured physically, mentally or emotionally, or when his welfare is impaired by nonaccidental actions or omissions of his parents or other persons or institutions responsible for his care."

Renee is also violating federal statutes such as 21 U.S.C.A. § 841 (West 1993), prohibiting possession of a controlled substance with the intent to manufacture, distribute or dispense such substance; 21 U.S.C.A. § 844 (West 1993), prohibiting simple possession of a controlled substance; and 21 U.S.C.A. § 861 (West 1993), prohibiting the knowing and intentional use of any person under 18 years of age to violate any federal drug control provision.

In addition, Renee could receive heavier sentencing under federal statutes. Under 21 U.S.C.A. § 859 (West 1993), the distribution of a controlled substance to a person under 21 years of age is subject to increased penalties. The United States expressed its concern with the importance of protecting children from drug trafficking under 21 U.S.C.A. § 860 (West 1993), which imposes heavier prison sentences in cases involving the distribution or manufacture of controlled substances in the proximity of schools, playgrounds, or youth centers. 18 U.S.C.A. App. 4 § 3B1.3 (West 1993) also provides for increased sentences in cases of abuse of position of trust, as in a drug trafficking defendant's involvement of her young daughter in the drug trade. U.S. v. Ledesma, 979 F.2d 816 (1992).

9. **Did Jim violate any law other than those regarding controlled substances?**

The Puerto Rican legislature has not yet created any laws regarding this situation nor has it arisen in Puerto Rico's courts. Under the Model Penal Code, however, such behavior could constitute simple or aggravated assault or the attempt thereof, or reckless endangerment; under certain extreme situations, it could be construed as murder. See Gene Schultz, AIDS: Public Health and the Criminal Law, 7 St. Louis U. Pub. L. Rev. 65 (1988); Roger N. Braden, AIDS: Dealing With the Plague, 19 N. Ky. L. Rev. 277 (1992). In some cases, it has been suggested that the HIV virus provides a deadly weapon. Cf. Brock v. State, 555 So.2d 285 (Ala. Crim. App. 1989).

Jim's companion, Andre, may be charged with second-degree murder for his role in Jim's overdose because he helped administer the fatal drug. P.R. Laws Ann. tit 33, § 4002

(1992). In Puerto Rico, the felony murder rule applies to cases where death resulted as a consequence of a felony. People v. Calderon Laureano, 113 D.P.R. 574 (1982). Andre's drug use constitutes a felony. The penalty for second-degree murder is a fixed prison term of 18 years; if aggravating circumstances are present, the penalty may be extended to a maximum of 30 years. P.R. Laws Ann. tit. 33, § 4003 (1992).

Andre may not use his drug-induced intoxication as a defense to any charges brought against him. P.R. Laws Ann. tit. 33, § 3155 (1992) states: "Voluntary drunkenness or voluntary intoxication caused by drugs, narcotic substances, stimulants or depressant drugs or similar substances does not excuse criminal responsibility."

10. **Has the bartender or the owner at Bulldog's Bar and Grill violated any law?**

There currently is no law in Puerto Rico which prohibits serving alcoholic beverages to an intoxicated person, so neither the bartender nor the owner of the bar has broken any law. If Su is planning to drive home, however, she may be violating P.R. Laws Ann. tit. 9, § 1041 (1992), which prohibits driving any motor vehicle while under the influence of intoxicating drinks. This offense is a misdemeanor punishable, for the first violation, by a fine of at least \$100 and up to \$300, or by a jail term of 15 days, or both. P.R. Laws Ann. tit. 9, § 1042 (1992).

Lesson 2

CRIMINAL JUSTICE STATISTICS:
DRUG AND ALCOHOL RELATED OFFENSES
UNIFORM CRIME REPORT DATA OF 1990--CRIME IN THE UNITED STATES

According to the Uniform Crime Report of 1990, 68% of the drug abuse violators were arrested for possession of heroin, cocaine or a narcotic derivative. A little over 31% of drug arrests were for the sale and manufacture of drugs.

Out of the 14,195,100 total number of arrests that occurred in 1990, drug abuse violations accounted for 1,089,500, driving under the influence comprised 1,810,800, and liquor law violations represented 714,700 of the total.

1981-1990 Ten Year Trend

Arrests for Drug Abuse Violations

In 1981, the total number of arrests for drug abusers under the age of 18 was 69,383. On the other hand in 1990, the total number was 50,435. This represents a 27.3% decrease in the number of arrests for persons under the age of 18. However, the number of arrests for persons over the age of 18 represent an 89.9% increase from 332,733 in 1981 to 631,932 in 1990.

Liquor Law Violations

For persons over the age of 18, the number of arrests for liquor law violations have dramatically increased to 61% from 218,079 in 1981 to 351,064 in 1990. However, the number of arrests for persons under the age of 18 has decreased to less than 0.4%.

♦ ♦ ♦

Criminal Victimization in the United States, 1990
A National Crime Victimization Survey Report, February, 1992

Percent Distribution of Victimizations by Perceived Drug or Alcohol Use by Offender:

- ♦ Of the 130,260 total rapes reported by victims to police, 49.8% were believed to be committed by someone under the influence of drugs or alcohol.
- ♦ Of a total of 1,149,710 reported robberies, 24.2% involved an offender under the influence of drugs or alcohol.
- ♦ Of 1,600,760 aggravated assaults committed 40% were committed by people under the influence of drugs.
- ♦ Of the 3,128,130 simple assaults reported, 32.9% were perpetrated by someone perceived to be under the influence of drugs or alcohol.

Puerto Rico Law

Lesson 4

FEDERAL SCHEDULE (answers to handout 3)

DRUG	SCHEDULE
heroin	schedule 1
beer	not a scheduled drug
vodka	not a scheduled drug
nitrate	not a scheduled drug
amphetamines	schedule 3
caffeine	not a scheduled drug
marijuana	schedule 1
crack	schedule 2
scotch	not a scheduled drug
MSG	not a scheduled drug
cocaine	schedule 2
glue	not a scheduled drug

FEDERAL PENALTIES BY SCHEDULE FOR POSSESSION

SCHEDULE	MAX. PRISON	MAX. FINE	MAX. TOTAL
schedule 1	15 years	\$25,000	15yrs + \$25,000
schedule 2	15 years	\$25,000	15yrs + \$25,000
schedule 3	5 years	\$15,000	5yrs + \$15,000
schedule 4	3 years	\$10,000	3yrs + \$10,000
schedule 5	1 year	\$ 5,000	1yr + \$ 5,000
unscheduled drug	n/a	n/a	n/a

The penalty doubles if the defendant has a previous conviction for a schedule law violation.

In order for a drug to be a narcotic, it must be a derivative of opium. All narcotics contain opium or opium derivatives, ie: heroin.

Malt beverages such as beer are not included in the scheduling process. They are controlled by liquor laws.

Information from 21 U.S.C.A. § 841 (West 1981).

Puerto Rico Law

States	Heroin	Cocaine	Crack	Marijuana	Amphetamines
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Alabama	sch 1	sch 2	sch 2	sch 1	sch 3
Alaska	sch 1A	sch 2A	sch 2A	sch 3A	sch 4A
Arizona	sch 1	sch 2	sch 2	sch 1	sch 2
Arkansas	sch 1	sch 2	sch 2	sch 1	not listed
California	sch 1	sch 2	sch 2	sch 1	sch 2
Colorado	sch 1	sch 2	sch 2	sch 1	sch 2
Connecticut	sch 1	sch 2	sch 2	sch 1	sch 3
Delaware	sch 1	sch 2	sch 2	sch 1	sch 2
D.C.	sch 1	sch 2	sch 2	sch 2	sch 2
Florida	sch 1	sch 2	sch 2	sch 1	sch 2
Georgia	sch 1	sch 2	sch 2	sch 1 ¹	sch 2
Hawaii	sch 1	sch 2	sch 2	sch 1	sch 2
Idaho	sch 1	sch 2	sch 2	sch 1	sch 2
Illinois	sch 1	sch 2	sch 2	listed under its act: the Cannabis Control Act, 56 1/2 §701 et seq	sch 2
Indiana	sch 1	sch 2	sch 2	sch 1	sch 2
Iowa	sch 1	sch 2	sch 2	sch 1	sch 2
Kansas	sch 1	sch 2	sch 2	sch 1	sch 1
Kentucky	sch 1	sch 2	sch 2	sch 1	sch 2
Louisiana	sch 1	sch 2	sch 2	sch 1	sch 2
Maine ²	sch W	sch W	sch W	sch W & Z	sch W
Maryland	sch 1	sch 2	sch 2	sch 1	sch 1
Massachusetts ³	class A	class B	class B	class D	class B
Michigan	sch 1	sch 2	sch 2	sch 1	sch 2
Minnesota	sch 1	sch 2	sch 2	sch 1	sch 2
Mississippi	sch 1	sch 2	sch 2	sch 1	sch 2
Missouri	sch 1	sch 2	sch 2	sch 1	sch 2
Montana	sch 1	sch 2	sch 2	sch 1	sch 2

¹ Must have more than 15% THC (tetrahydrocannabinol), the chemical in the cannabis plant.

² Maine schedules its drugs under an alphabetical category: W, X, Y & Z. The schedules are similar to other state categorizations.

³ Massachusetts calls their schedules classes, but they are the same thing.

Puerto Rico Law

States	Heroin	Cocaine	Crack	Marijuana	Amphetam ine
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Nebraska	sch 1	sch 2	sch 2	sch 1	sch 2
Nevada ⁴	sch 1	sch 2	sch 2	sch 1	sch 3
New Hampshire	sch 1	sch 2	sch 2	sch 1	sch 3
New Jersey	sch 1	sch 2	sch 2	sch 1	sch 3
New Mexico	sch 1	sch 2	sch 2	sch 1 & 2	sch 2
New York	sch 1	sch 2	sch 2	sch 1	sch 2
North Carolina	sch 1	sch 2	sch 2	NC has a sixth schedule which incl. marijuana	sch 2
North Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Ohio	sch 1	sch 2	sch 2	sch 1	sch 2
Oklahoma	sch 1	sch 2	sch 2	sch 1	sch 2
Pennsylvania	sch 1	sch 2	sch 2	sch 1	sch 2
Puerto Rico	sch 1	sch 2	sch 2	sch 1	sch 3
Rhode Island	sch 1	sch 2	sch 2	sch 1	sch 2
South Carolina	sch 1	sch 2	sch 2	sch 1	sch 2
South Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Tennessee	sch 1	sch 2	sch 2	sch 2, but only for certified patients under the Controlled Substances Therapeutic Research Act	sch 2
Texas	sch 1	sch 2	sch 2	sch 1	sch 2
Utah	sch 1	sch 2	sch 2	sch 1	sch 2
Vermont	sch 1	sch 2	sch 2	sch 1	sch 3
Virginia	sch 1	sch 2	sch 2	not listed, but liquid marijuana or hashish oil is listed as sch 1	sch 2
Washington	sch 1	sch 2	sch 2	sch 1	sch 2
West Virginia	sch 1	sch 2	sch 2	sch 1	sch 2
Wisconsin	sch 1	sch 2	sch 2	sch 1	sch 2

⁴ While Nevada does not specifically name drugs under its five schedules, but instead lists the specific tests to determine under which schedule a drug belongs § 453.2182 says that the state will use 21 USC as a guide for scheduling. The state merely reserves the right to reschedule any controlled substance as it sees fit according to the tests set out in 453.166, et. seq.

Puerto Rico Law

States	Heroin	Cocaine	Crack	Marijuana	Amphetan ine
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Wyoming	sch 1	sch 2	sch 2	sch 1	sch 2
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Puerto Rico Law

Lesson 5

OFFENSE/SUBSTANCE	SENTENCE
First Offense: Cocaine - Possession With Intent To Distribute - 5 kg	• imprisonment for 3 years ⁵ with possibility of • fine not to exceed \$5000
First Offense: Trace of Heroin - Possession of 1 kg or more of a mixture with a small, but detectable amount of heroin	• imprisonment for 3 years ⁶ with possibility of • fine not to exceed \$5000
First Offense: Codeine - Possession - 200 mg	• imprisonment for 3 years with possibility of • fine not to exceed \$5000
Second Offense: Marijuana - Possession - 50 kg	• imprisonment for 6 years ⁷ with possibility of • fine not to exceed \$5000
Third Offense - Methamphetamine - Possession - 100 g	• imprisonment for 6 years with possibility of • fine not to exceed \$5000

Cite: 24 LPRA § 2404.

Current Federal Penalties:

Group 1 and Group 2: . . . person shall be sentenced to prison which may not be less than 10 years or more than life and a fine not to exceed 4 million dollars.

Group 3: . . . person shall be sentenced to a term of imprisonment of not more than one year, a fine not exceed \$250,000 in the case of an individual.

Group 4: . . . person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed \$500,000.

Group 5: . . . person shall be sentenced mandatory life imprisonment without release and fine not to exceed \$8 million.

Cite: 21 U.S.C. § 841 (1992).

⁵Mandatory imprisonment could be increased to 5 years because the large amount of cocaine could be considered an aggravating circumstance.

⁶Mandatory imprisonment could be increased to 5 years because the large amount of heroin could be considered an aggravating circumstance.

⁷Mandatory imprisonment could be increased to 5 years because the large amount of cocaine could be considered an aggravating circumstance.

Puerto Rico Law

Lesson 6 & 7

1. What does DWI stand for?

Driving while intoxicated.

2. What does DUI stand for?

Driving under the influence. Under §1041 it is unlawful for any person under the influence of intoxicating liquor or with a blood alcohol concentration of 0.10 or more.

3. In terms of penalties, is being convicted of DWI more serious than being convicted of DUI?

There is no distinction between the two offenses under Puerto Rico law.

4. What are the penalties for being convicted of DWI? DUI?

Under §1042 any person who violates §1041 shall be punished as follows:

CONVICTION	PUNISHMENT
first	• fine of \$100 to \$300, and/or • imprisonment for not more than 15 days
second	• fine of \$200 to \$400, and/or • imprisonment for not more than 30 days
third	• fine of \$300 to \$500, and/or • imprisonment for not more than 60 days
fourth & subsequent	• fine of \$300 to \$500, and/or • imprisonment for 60 days to 6 months

5. What is the penalty for refusing to submit to a breathalyzer test upon a police officer's reasonable request?

Under §1043 any person who drives motor vehicle has given his consent to a breathalyzer test. Failure to submit to the test shall result in suspension of the individual's driver's license.

6. What must a person's blood alcohol content (BAC) be before he/she is legally intoxicated?

Under §1041 if a person has a BAC of 0.10 or more it is inferred that he/she is under the influence of alcohol.

7. The legal limit for blood alcohol is lower for persons under the legal drinking age of 21. True or False?

False. Puerto Rico does not differentiate between individuals over 21 and under 21.

8. An open container of alcohol can be in your car if you are 21 or over. True or False?

There is no open container law in Puerto Rico.

Puerto Rico Law

Lesson 9

Although the drinking age is 21 in all 50 states (meaning specifically that the sale of alcohol to minors is prohibited), the laws on teenage drinking vary from state to state. The laws vary in regard to whether they include prohibition of the purchase of alcohol, the attempt to purchase alcohol, the consumption of alcohol and the possession of alcohol. According to the March 11, 1993 Safety Recommendation report of the National Transportation Safety Board,

- * Five states (DE, FL, MT, NH & NY) and the District of Columbia do not prohibit the purchase of alcohol by minors.
- * West Virginia and the District of Columbia do not prohibit public possession of alcohol by minors.
- * 23 states (AK, AR, DE, DC, FL, GA, RI, IL, IA, LA, ME, MD, MI, MS, MT, NV, NH, NY, SC, TX, UT, VT, VA) do not prohibit minors from attempting to purchase alcohol.
- * 21 states (AR, CO, CT, FL, GA, HI, IA, KY, LA, MA, MS, MO, NE, NH, NM, NC, OR, SC, VT, WV, WY) do not prohibit alcohol consumption by minors.
- * 16 states (AR, CA, CO, HI, KY, LA, ME, MI, NM, NY, NC, OK, SD, VA, WA, WY) do not prohibit minors from misrepresenting their age in order to purchase alcohol.
- * 19 states (AL, AR, CO, DE, DC, IA, KS, LA, MD, MN, MT, NJ, OR, PA, SC, UT, VA, WA, WI) do not prohibit minors from presenting false ID to purchase alcohol.

In addition, most states do not prohibit minors from driving with alcohol in their blood unless their blood alcohol content reaches the adult legal limit, which is .10 percent in most states. Fifteen states, however, have amended their laws to lower for minors the permitted blood alcohol content while driving. These laws vary according to the age under which minors must be in order for the lower blood alcohol content to apply. Here is the layout for state laws on blood alcohol content for minors while driving:

<u>0.00 BAC</u>	<u>0.01 BAC</u>	<u>0.02 BAC</u>	<u>0.04 BAC</u>	<u>0.05 BAC</u>	<u>0.06 BAC</u>
AZ (<21)	NJ (<21)	ME (<21)	RI (<21)	CA (<18)	GA (<18)
NC (<19)		MD (<21)	NH (<21)	NM (<18)	
OR (<21)		OH (<18)			
UT (<21)		VT (<18)			
WI (<18)					

A number of states have tried to cut down on teenage driving accidents by implementing nighttime driving restrictions. The following states have some form of curfew for teenage driving:

ID:	minors <16 can drive during the daytime only
IL:	minors <17 cannot drive between 11pm-6am Mon-Thur and 12am-6am Fri-Sun
LA:	minors <15 cannot drive between 11pm-6am Mon-Thur and 12am-6am Fri-Sun
MD:	minors <16 cannot drive between 12am-5am
MA:	minors <18 cannot drive between 1am-4am
NY:	minors <18 cannot drive between 9pm-5am
PA:	minors <18 cannot drive between 12am-5am
SD:	minors <16 cannot drive between 8pm-6am.